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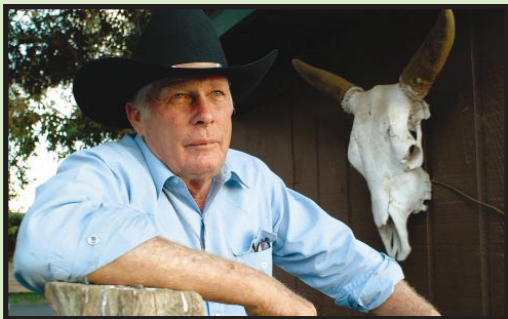
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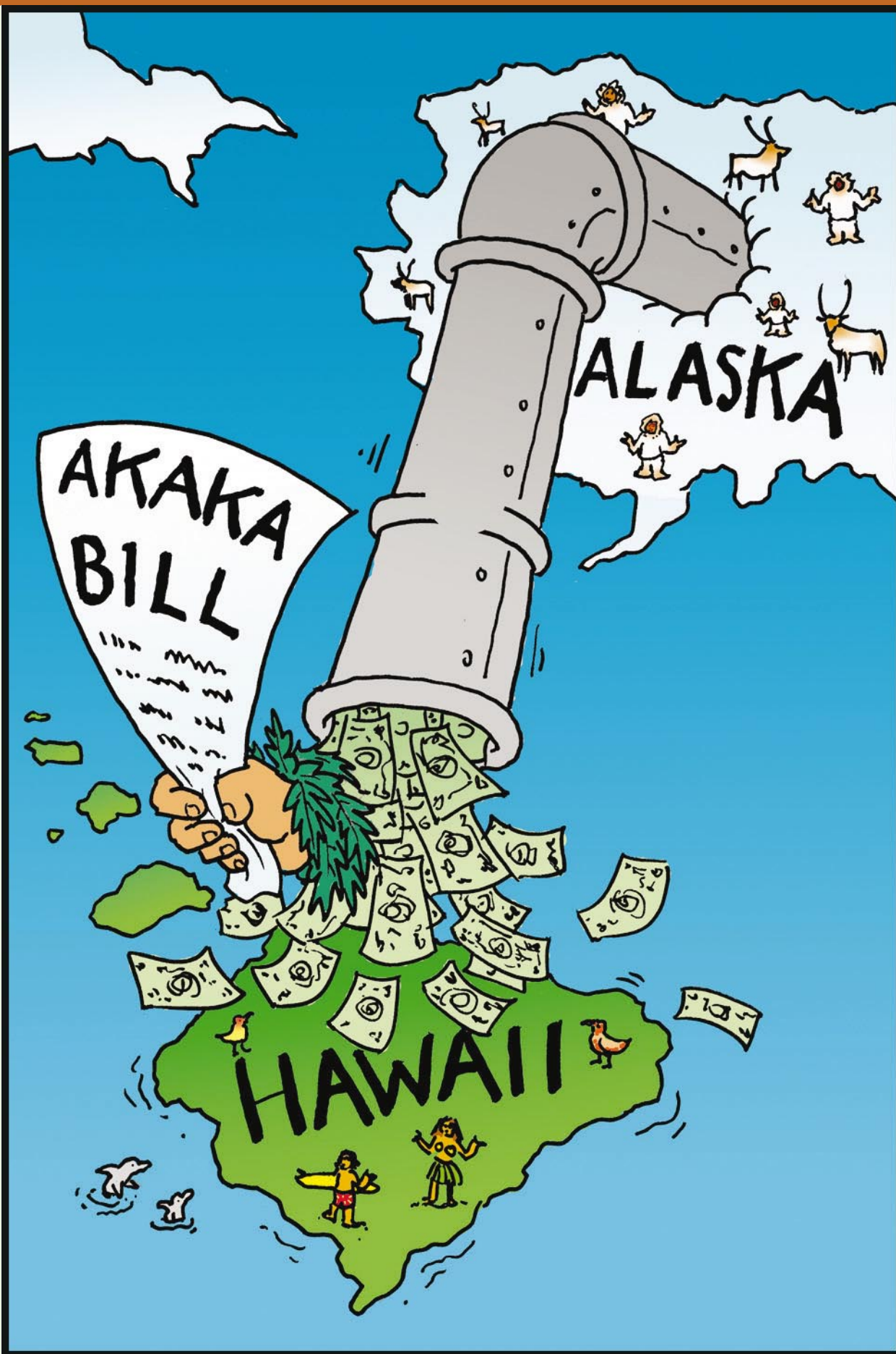
**Natives,
Senators & Oil** ▶ **12**
Following the pipeline

Rice on Rice **17**
Q & A with
Waimea rancher



**Coping with
Sugar's Dirty
Legacy** **19**
Who will clean up?

**Agriculture at
the Crossroads** **21**
Future of Hawai'i
farming in question



Natives, Senators and Oil

The connection between drilling in the Arctic National Wildlife Refuge and the Akaka Bill.

by Anne Keala Kelly

Hours before the war in Iraq officially began on March 19th, the Boxer Amendment stripped a provision from the budget bill that would have allowed drilling in the Arctic National Wildlife Refuge. Had the President announced the beginning of the war sooner, it's unlikely the amendment would have succeeded. Now, as debates about the value of oil intensify, it will become increasingly difficult to keep drilling out of the Refuge. After all, how can we justify risking American lives in the Middle East to secure that region's oil reserves without being willing to drill the wells dry in our own back yard?

This story is about that untapped oil at the top of the world and the surprising connection between it and the Hawaiian Federal Recognition bill, referred to as the Akaka Bill. It's a peek behind the curtain of how the politics of oil can corrupt the politics of native peoples. It shows how the Alaska oil industry has stepped into the Native Hawaiian community to secure Senator Daniel Akaka's support for drilling in the Refuge, and to convince Hawaiians to oppose the Gwich'in people.

The Gwich'in are an Alaska Native tribe fighting to keep the oil industry out of the Refuge. As a federally recognized tribe, the Gwich'in are subject to the plenary powers of Congress, which means Congress has absolute power to make determinations that directly impact their environment and food source. The United States' classification of Hawaiians and how that would affect their political future is part of the debate over the Akaka Bill, which seeks to define them, like the Gwich'in, as federally recognized "Native Americans." Among Hawaiians who oppose the bill, such a definition is viewed as an attempt to extinguish the dual political status Hawaiians have as indigenous people and citizens of an occupied, independent Nation State that was illegally annexed by the US in 1898.

Connections between what is happening with the Gwich'in people, and what may happen with Hawaiians should they choose to go the way of federal recogni-

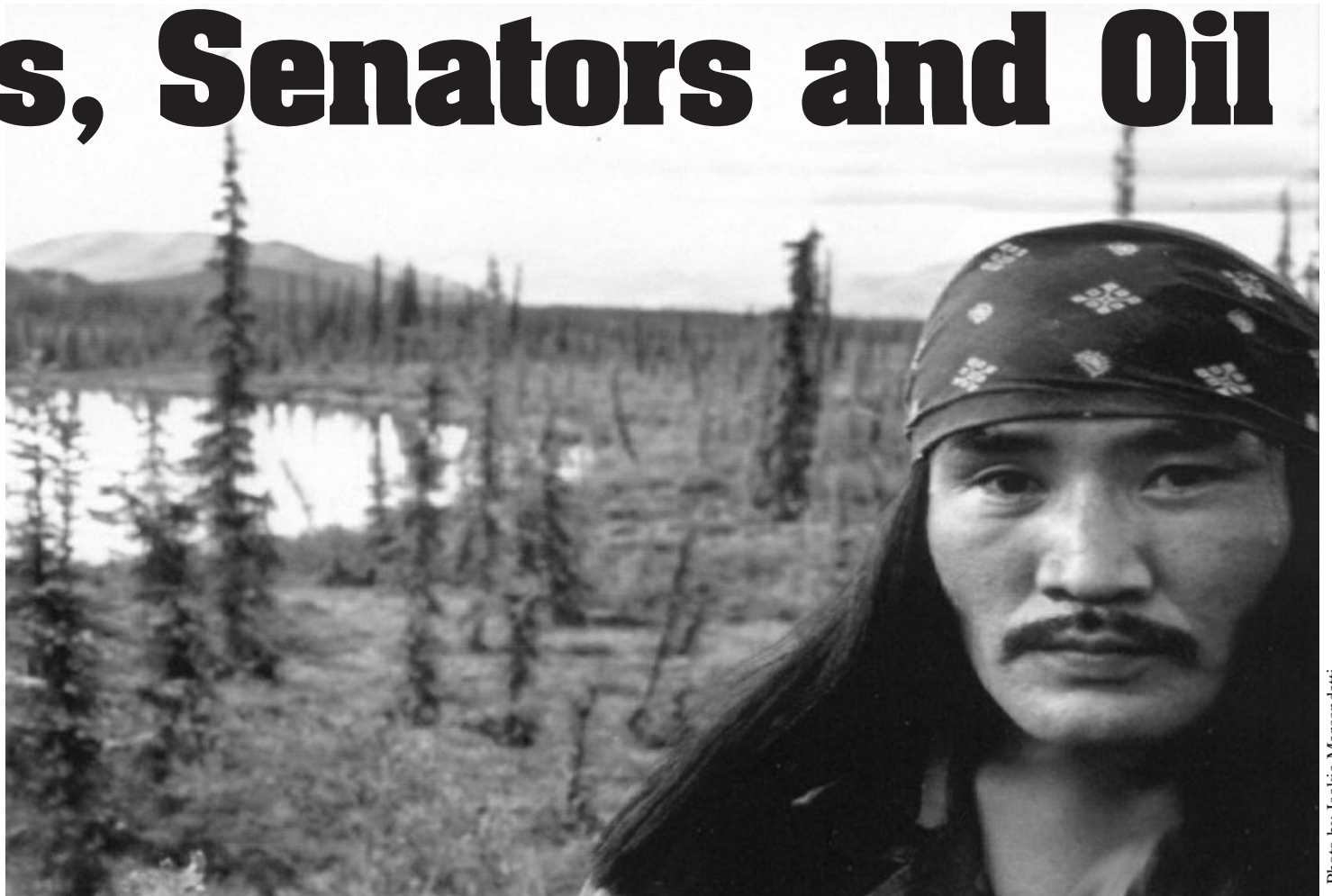


Photo by Jackie Mercandetti

James John of the Gwich'in people. For millenia, the Gwich'in (people of the caribou) have occupied the southern slopes of the Brooks Range in Alaska, where oil drilling in the Arctic Refuge has been proposed. The Gwich'in oppose opening their sacred caribou grounds to oil drilling; another tribe, the Inupiat, plans to profit from drilling. Inupiat oil money has apparently found its way into Native Hawaiian affairs and politics.

tion, don't end with the plenary powers of Congress or Senator Akaka's vote on drilling. Hawaiians and Gwich'in actually have another critical link in common — that being how Alaska's oil industry has, via the Council for Native Hawaiian Advancement, influenced Hawaiian politics on the issue of the Akaka Bill. The answer to why this connects the Gwich'in struggle to keep drilling out of the Refuge with Hawaiian debates over the Akaka Bill, is discovered by examining who has power over federal dollars for Hawaiians and who is pressuring them to accept federal recognition.

Council for Native Hawaiian Advancement

Three years ago, the Council for Native Hawaiian Advancement was organized to help non-profits that provide Hawaiian healthcare, housing, education and cultural programs apply for or keep federal funding. Robin Danner, a Native Hawaiian who, at 36, moved home to Kauai a little more than 4 years ago and led the way to assemble the Council, becoming its first President and CEO. After living 25 years in Alaska with her parents, and brothers and sisters, she brought a working knowledge of how Alaska natives have navigated the path to native corporate and non-profit federal contracts.

Once established, the Council quickly came to include nonprofit powerhouses who handle most of the millions of federal dollars earmarked for Native Hawaiians. It also includes CEOs and trustees from Native Hawaiian trusts like

the Queen Lili'uokalani Trust, which has a modest portfolio that benefits Hawaiian orphans, and the billion-dollar Bishop Estates Trust, now called Kamehameha Schools. Since its inception, the Council has become part of the status quo, serving as facilitator of the prestigious Administrative Native American federal contract, which is worth \$1.2 million, and directed by Robin's younger sister, Jade Danner. The Council has also received a pledge of \$100,000 from Bank of Hawai'i, and other institutional support, including \$100,000 from the Inupiat-owned Arctic Slope Regional Corporation.

The need for an organization like the Council became apparent in the wake of the US Supreme Court's 2000 decision in *Rice vs. Cayetano*, allowing non-Hawaiians to elect trustees to the state agency, Office of Hawaiian Affairs. Since then, funding and tax breaks given to Hawaiian non-profits and trusts have come under legal attack as unlawful, race-based benefits. (See "Rice on Rice," page 17 of this issue of *HII*.)

Lesser-known, less well-connected Hawaiian non-profits looking for funding have joined or considered joining the Council, hoping to team up with other non-profits. But what has apparently emerged as the Council's most pressing concern is not what most Hawaiian non-profit organizers were expecting. In September 2002, the Council's 1st Annual Native Hawaiian Conference took place at the Sheraton Waikiki. With a personal visit from Senator Daniel Akaka and videotaped messages from

the Hawai'i Congressional delegation that were shown daily, the gathering took the shape of a well-financed sales pitch and rallying cry for the Akaka Bill.

The Council held its second gathering in Waikiki in August 2003. This time the congressional giant himself, Senator Daniel Inouye, addressed several hundred Hawaiians in person, assuring them that there now exists a "rare demonstration of unity" between Hawai'i state, local, and federal lawmakers on the matter of federal recognition. Inouye then went on to urge Hawaiians to do the same and unite behind this bill.

The Alaska Connection

In July of 2001, more than a year before the Council hosted its first convention for Hawaiians, it held the "1st Annual Native Hawaiian-Alaska Native Summit," funded by major Hawai'i banks that hold hundreds of millions of Hawaiian trust dollars. Bank of Hawai'i, First Hawaiian Bank, American Savings Bank and others put up the money for an invitation-only gathering with the stated purpose of discussing management of native trusts, foundations and service agencies. The CEO of the Council, Robin Danner, had proven her ability to gain the cooperation of influential politicians and financial institutions in a very short time, pulling together some of the most distinguished members of Congress from both sides of the aisle.

Keynote speakers included Senators Inouye and Akaka; other speakers were then Senator, now Governor of Alaska,

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Frank Murkowski, Representatives Patsy Mink and Neil Abercrombie, Alaska Representative Don Young, and a videotaped message from Alaska Senator Ted Stevens. Senator Stevens, who as pro tempore is third in line to the presidency of the United States, has put his name to the Hawaiian Federal Recognition Bill, which was re-dubbed the Akaka-Stevens Bill in June of this year.

Although Hawaiians are not organized into villages and corporations like the 138 Alaska Native villages and 13 Alaska Native Corporations that comprise the Alaska Federation of Natives, the network of Hawaiian nonprofits now in the Council for Native Hawaiian Advancement could be said to be a close imitation. But the Council is either intentionally or unwittingly also mimicking the federation's interest in Alaskan oil money and federal control.

The Gwich'in, The Inupiat, the Oil

Inupiat-owned Arctic Slope Regional Corporation owns five million acres of land, including the Alpine oil field, which is the 10th largest-producing oil field in America. A map of the North Slope shows that millions of acres surrounding the Refuge are dotted by oil-producing fields.

Thus far, all drilling has taken place outside of the 5% of the Arctic Coastal Plain known as the Arctic National Wildlife Refuge, which is where the Porcupine Caribou birthing grounds, sacred to the Gwich'in people, are located. It's estimated that the oil inside the Refuge will take 10 years to deliver and is only enough to sustain U.S. oil consumption for 6 months.

So, why are the state of Alaska, Arctic Slope Regional Corporation, and multinational oil corporations lobbying the Congress to grant access for drilling the Refuge? And how did drilling inside a national "Refuge" ever become an option?

Settling Native Claims

The 1971 Alaska Native Claims Settlement Act, referred to as ANCSA, is considered by many organizations of indigenous peoples in and outside of the U.S. to be the worst native settlement in modern times. It is also one of the most

Senator Akaka has been asked repeatedly about his position on drilling since his visit to Alaska to meet with the Inupiat Eskimos in 1995, a trip that he credits with changing his vote in favor of drilling. Burrows and others have publicly asked the senator why he hasn't taken the time to visit the Gwich'in to hear their side of the issue, a question that has consistently gone unanswered.

amended Congressional Acts in the history of the United States. When oil corporations and the State of Alaska realized the substantial wealth and jobs that could be generated from drilling in Prudhoe Bay and the surrounding area, the push was on for a claims settlement. Throughout Alaska, in exchange for extinguishing native title to 90% of their lands, tribes were given what amounted to less than \$3 per acre.

In the face of the less-than-generous terms of ANCSA, the Inupiat Eskimos are among a few tribes that have been financially successful strategists. They formed the Arctic Slope Regional Corporation, and it has paid off. With a rate of growth ahead of the S&P 500 index, last year's revenues through oil and other subsidiaries were about \$1.5 billion. Among their many subsidiary corporations is one that maintains a contract with the U.S. to supply fuel to the military, another that provides support services for U.S. military radar systems, a company that operates a plastics manufacturer in Guadalajara, and an office in Venezuela that analyzes that country's oil industry.

But ANCSA was not attractive to all of Alaska's Native tribes, and some communities were split; there were no hearings or votes taken at the villages. Of the 8 Gwich'in villages on the U.S. side of the border, 2 villages opted out of ANCSA and maintained a traditional subsistence life and title to their lands. Like many Federally Recognized tribes, the Gwich'in have a tenuous relationship with the U.S. government.

The Inupiat, on the other hand, have a corporate relationship with the state and federal government. In 1983, Department of Interior Secretary James Watt signed a controversial land exchange with the Arctic Slope Regional Corporation that brought the total acreage of the corporation's contingent

subsurface rights in the coastal plain of the Refuge to 92,000.

In spite of the stipulation prohibiting development (unless Congress opens the Refuge) the corporation has already made \$39 million from speculative lease agreements with Chevron, Texaco, and British Petroleum. In fact, within five years of the 1983 land exchange, efforts were begun in earnest to open the Refuge to drilling. But the Gwich'in people, who live on the south and east border of the Refuge, have put up resistance to every proposal put before Congress and have maintained a grassroots struggle because of the threat to the Porcupine Caribou.

The Inupiat, who own the Arctic Slope Regional Corporation, are a coastal people who rely mainly on marine life for their traditional foods; the Porcupine Caribou account for about 10 percent of their diet. But for the Gwich'in, who strategically established their villages along the migratory paths of the Porcupine Caribou herd during the past several thousand years, the caribou are 70 percent of their food. Faith Gemmill, spokesperson for the Gwich'in, said, "The caribou are our family. We made a commitment to protect the caribou and our way of life, and if we are not successful we will perish, too."

Other animals that birth and den in the Refuge include grizzly bears, polar bears, and many different species of birds.

The Hawaiian Connection

Before anything can be done to settle Hawaiian claims, it appears that Hawaiians must accept the moniker of being a federally recognized tribe to insure the plenary powers of the U.S. Congress over them as a people. One section of the Akaka Bill allows for a "Hawaiian governing entity" to enter into negotiations with the federal government to settle Native Hawaiian land claims, as was done to/with the Alaska Natives.

Plans for a settlement are already being put forth by the Office of Hawaiian Affairs, who together with another state agency, Department of Hawaiian Homelands and the Council for Native Hawaiian Advancement appear eager to set themselves up as representatives of the Hawaiian people. But the Council has the power at this point because they can lobby for the legislation freely. Whereas, despite the numerous trips Office of Hawaiian Affairs trustees have made to D.C. to lobby for the bill, state agencies must at least appear to represent the interests of all residents of Hawai'i.

The motivation for financial support from the Inupiat-owned Arctic Slope Regional Corporation to the Council, though, has come into focus due to a business arrangement between a company called Danner and Associates and an Alaska non-profit group called Arctic Power. Arctic Power is funded by the state of Alaska, oil industry corporations, including Exxon Mobil, and unions with interests in Alaska's oil industry, including the Teamsters. The relationship between Danner and Associates and Arctic Power dates back at least to February 2002.

When asked about her role in Danner and Associates, Council for Native Hawaiian Advancement CEO, Robin Danner, described it as one of several Danner family initiatives. She then declined a telephone or in-person interview, and stated in an email: "I don't have an ownership interest in it [Danner and Associates], I don't manage it, I've never been paid by it, I've never done any work for it - I can't really tell you much more than that."

A request for an interview with Jade Danner yielded a phone call asking to have questions emailed to her. Question: Are you or have you ever been a paid lobbyist for Arctic Power or any Alaska corporation, specifically with interests in oil development? Answer: "I've never been a 'lobbyist,' paid or unpaid, for Arctic Power or any other Alaska corporation with an interest in oil development. Two years ago, I was contracted by Arctic Power for six weeks to assist the Inupiat people in their efforts to set the record straight and educate the

— continued on page 14.



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Continued from page 13.

Hawaii public about their position in the ANWR debate....”

Less than two years ago, in March 2002, Jade Danner wrote a letter to the editor of the *Honolulu Star-Bulletin*, in response to an op-ed written by Charles Burrows. Burrows, a retired Kamehameha Schools teacher and President of Ahahui Malama I ka Lokahi, a cultural/environmental group on Oahu, criticized Senator Akaka's support for drilling in the Refuge. Akaka has been asked repeatedly about his position on drilling since his visit to Alaska to meet with the Inupiat Eskimos in 1995, a trip that he credits with changing his vote in favor of drilling. Burrows and others have publicly asked the senator why he hasn't taken the time to visit the Gwich'in to hear their side of the issue, a question that has consistently gone unanswered.

Jade Danner's criticism of Burrows' editorial invoked the kind of rhetoric that confuses native politics with oil politics, lauding Senator Akaka's support for the Inupiat as support for native "self-determination." Public records indicate, however, that she was being paid for writing such letters as part of a contractual agreement with Arctic Power.

State of Alaska public records include a copy of an Arctic Power contract signed by Jade Danner on 2/15/02, with no date of termination. It is an agreement to pay Danner and Associates "A flat monthly fee of \$5000 for services." Included in the "Scope of Work" section of the contract is: "Development of a Strategic Plan in conjunction with Arctic Power for Hawaii; Monitor and respond to opposing editorials/stories in local news media; Provide periodic updates to Arctic Power about activities and progress in Hawaii; Communicate with Hawaii's Senators' staff to determine how to be most effective in assisting with educating the Hawaiian populace about the facts of ANWR; other projects as may be assigned by Arctic Power," and

more.

Staff members from the offices of both Senators Inouye and Akaka say they have no knowledge of Jade Danner being paid to represent drilling in the Refuge. Paul Cardus, Senator Akaka's press secretary said, "No one was aware of her role as a lobbyist, no one met with her to discuss ANWR." He continued, "Jade Danner never met with or spoke to the Senator."

Yet, payment from Arctic Power to Danner and Associates, for deflecting criticism from within the Hawaiian community about Senator Akaka's support for drilling, suggests that the senator's staff is aware of the business arrangement between Danner and Associates and the Alaska oil industry, via Arctic Power.

A Danner & Associates ANWR Activity Log lists eight activities undertaken on behalf of Arctic Power. Number seven reads: "... Worked to defeat local attempts to use Hawaiian forums as an avenue to pass resolutions opposing Senator Akaka's position on ANWR. Provide appropriate follow-up in communicating action to Senator Akaka's office." One such "Hawaiian forum" was the November 2002 Hawaiian Civic Club Convention, wherein Robin Danner successfully argued against a resolution to support the subsistence rights of the Gwich'in people. She also used the lexicon of native sovereignty struggle, telling the attendees that the matter of drilling in the Refuge is a matter of self-determination for the Inupiat.

With regard to Robin Danner's connection to Arctic Power, when asked if she has ever been financially compensated for efforts done by her on behalf of drilling in the Refuge, through her position as CEO of the Council, she responded, "The answer is clearly no, I have not



Robin Danner, CEO of the Council for Native Hawaiian Advancement

done any lobbying through CNHA." But in her position with the Council, she billed Arctic Power directly, using a Council for Native Hawaiian Advancement reimbursement request form, for her own travel expenses to attend a Teamster's Convention in Honolulu. Using such a form suggests Arctic Power is well aware of her position at the Council and apparently willing to accept a request for payment with the

Council's letterhead on it.

If any of that money was reimbursed directly to the Council, that means Alaska oil lobbying money went into the Council's bank account. If the travel expenses were not reimbursed to the Council, then Robin Danner used Council money to represent Arctic Power at the Teamsters Convention.

When asked about this, she explained the Council's reimbursement form as a matter of reverse invoicing for airline coupons, saying that they were "used to attend a regional conference of the Teamsters . . . I was invited to speak at their conference, accepted and did so. Jade did not attend, she did not accompany me, she was not invited."

The Danner and Associates ANWR Activity Log contradicts this and her earlier comment about never having done work for Danner and Associates. Among the activities on the log are: "Prepare and deliver speech to the Teamsters with Presentation of Bowhead Ear Drum to Senator Daniel Akaka... Provide appropriate feedback to Senator Akaka's Office and Arctic Power." The activity log, along with the Council for Native Hawaiian Advancement request for travel reimbursement that was signed by Robin Danner on 2/27/02, became part of a \$7500 Danner and Associates invoice submitted to Arctic Power in March of 2002, and eventually made its way into

Alaska's public records.

Beyond the uncertainties of Hawaiian political identity there remain questions about power and political process. If Alaska's oil industry can reach into the Hawaiian community and make its will known, what other influence does it have in determining the future of the Hawaiian people?

As it stands, two politically powerful Hawaiians, with ties to Alaska oil money and two U.S. Senators, have garnered tremendous support for the Hawaiian Federal Recognition Bill and inspired a dearth of support for the Gwich'in and their efforts to keep drilling out of the Refuge. Their economic dealings shine an embarrassing light on the political relationship between the Hawaiian people and Hawaii's Congressional delegation, and chilling similarities between Hawaiians and Alaska Natives.

If Federal Recognition can lead to Hawaiians relinquishing claims to any part of Hawai'i, they could end up in a situation like that between the Inupiat and the Gwich'in: corporate natives versus cultural natives. Right now, the acreage of Hawaiian Homestead land, which is part of the nearly 2 million acres of "Crown and Government land" renamed "ceded lands" when the United States took control, is virtually the same amount of land the Alaska Natives ended up with after their settlement: just 10% of what was once all theirs. 🏠